

Farm and Ranch Lands Protection Program
Colorado Application Guide
Fiscal Year 2009

Develop your Farm and Ranch Lands Protection Program (FRPP) application in accordance with the following format and guidance. You may insert information directly into this document, as is, or provide additional information in a separate attachment. Provide all the requested information, sign the certification statement in Part B., attach this “checklist” to your proposal (if you are developing your own version), and submit everything to:

Gary Finstad, Easements Coordinator
USDA Natural Resources Conservation Service
655 Parfet Street, Room E200C
Lakewood, CO 80215-5517

Your proposal must be received by 4:00 P.M. MT Tuesday May26, 2009.

If you are submitting applications for more than one property/parcel, you need to complete Parts A and B only once. Separate responses will be required for Parts C and D for each unique property/parcel. Refer to the *2009 Colorado FRPP Scoring System* as you work through this guide. Our scoring will rely on the information in your proposal.

For more information or assistance in completing your proposal, please contact Gary Finstad:
Phone: (720)544-2820 / e-mail: gary.finstad@co.usda.gov

A. PROGRAM (APPLICANT) ELIGIBILITY

1. Name of applicant entity and contact information:

Entity: _____

Address: _____

Contact Person/Title: _____

Phone: _____ E-mail: _____

2. Is the applicant an “eligible entity”? [check one box]

☐ A unit of government or a federally recognized Indian Tribe?

☐ An eligible non-governmental organization?

“Eligible entity” means a federally recognized Indian Tribe, a State, a unit of local government, or a nongovernmental organization that has a farmland protection program which purchases agricultural conservation easements for the purpose of protecting agricultural uses and related conservation values by limiting conversion to non-agricultural uses of the land.

3. Provide a brief summary of your organization's:

a. farmland protection program;

b. program accomplishments;

c. capability to acquire, hold, manage, and enforce conservation easements.

(Include a description of your staff and their responsibilities.).

d. title and appraisal policies or standards?

*(Describe your organization's policies regarding use and review of title information and appraisals. Provide a copy of your official policy, if available. For example: Do you secure title insurance on your easements? If so, who reviews the title commitment binder? Do you perform reviews of appraisals? What percentage undergo a technical review (by another qualified appraiser) vs. an administrative review by someone else?)*e. capacity to perform easement monitoring and enforcement?

(1) Describe the number of paid—and volunteer—staff available to perform these function and how often the monitoring is conducted onsite)

(2) If you are a nongovernmental entity, do you have a dedicated fund to support ongoing easement management, monitoring, and enforcement? Please, explain.

B. OTHER INFORMATION

Provide us with:

1. A copy of the draft conservation easement(s) you intend to use.

(Please, highlight any potential issues related to subdivision, reserved building rights, and any subsurface rights not held by the owner)

2. The priority of the offers (if you are submitting proposals for more than one project).

I certify that, to the best of my knowledge and belief, the information in this application for federal assistance and in the supporting materials is true, correct, and complete. I further understand that if any information is missing or if the format, prescribed herein, has not been observed, this proposal may be discounted or declared ineligible for consideration.

Name (print): _____

Title: _____

Signature: _____

Date: _____

C. PARCEL INFORMATION

Your proposal must include:

1. Name(s) and address(es) of landowner(s)
2. Local parcel or tax identification number
3. Size (in acres) of the offered parcel
 - If this application is part of a phased easement acquisition, provide us the total acreage within the operation that may eventually be placed under easement
4. Legal description of the offered parcel (section, township, range)
5. Local zoning for this property (if applicable)
6. Project Funding Summary (complete the table):

A. Estimated Fair Market value of the Easement	\$	%
B. Estimated Purchase Price	\$	____% of A.
C. Entity Contribution	\$	____% of B.
D. Estimated Landowner Donation	\$	____% of A.
E. FRPP Contribution (Requested)	\$	____% of A.
F. Total of C,D,&E	\$	n/a

- Note: “Entity Contribution” means cash that is either “in hand” or “committed”—as with an award from another funding source. Attached a copy of the award letter, if applicable.

FRPP Cash Requirements

FRPP funds may be used to pay for no more than one-half of the appraised fair market value (AFMV) of the conservation easement.

The entity contribution must equal, at a minimum, 25% of the purchase price.

If the landowner donation is greater than 50% of the appraised easement value, the entity must match the FRPP contribution dollar for dollar.

7. Aerial photo(s) and map(s) (e.g., 7.5’ USGS Quad map) that depict the location of the offered parcel in relation to other protected lands. This includes military bases, lands owned by federal, state, or local governments, or by an entity whose purpose is to protect agricultural use and related conservation values, or land that is already subject to an easement or deed restriction that limits the conversion of the land to nonagricultural use. *Provide enough information to allow us to complete the scoring for SA-1 B in the Scoring System*

8. Aerial photo(s) and map(s) (e.g., 7.5' USGS Quad map) that depict the location of the offered parcel in relation to other viable agricultural operations. Identify operations that are greater than the median farm size in the county, according to the 2007 *Census of Agriculture* and which are considered to be viable for the foreseeable future. *Provide enough information to allow us to complete the scoring for SA-1 C in the Scoring System.*

9. Water availability: Summarize the extent of irrigation on the offered parcel(s) and the source and reliability of the water. If there is grazing land in the parcel, describe how water is distributed to support effective management of livestock and sustainable use of rangeland resources. Summarize the water rights that will be conveyed with the easement to support the Conservation Values. *Note: To be eligible for FRPP, water rights are necessary to maintain the irrigated condition of the qualifying soils.*

10. Environmental amenities. Describe the Conservation Values that this parcel supports.
Refer to the information in Colorado FRPP Scoring System criterion SA-3 A) for guidance.

11. Percent of impervious surface on offered parcel: _____ %.
("Impervious surface" includes surfaces that are paved, covered by concrete, or occupied by buildings, with or without floors. Conservation practices listed in the NRCS Field Office Technical Guide are exempt from the definition for FRPP purposes.)

12. Does the landowner also own the subsurface mineral estate? ☐ Yes ☐ No

13. Does the landowner desire to retain any reserved building rights, additional building envelopes, etc.? Provide a brief summary of the situation along with a map that will help depict it.
(Note: We have only limited ability to negotiate on these reserved rights due to policy constraints.)

14. Does the landowner wish to reserve a right to subdivide the parcel?
(Note: We generally do not allow subdivision, but, if this is an issue, please explain.)

15. Insert acreages relevant to the offered parcel in the table below.

Land Use/Cover	Acres	% of Total Area
Cropland (includes hayland)		
Pastureland (introduced species)		
Rangeland (native species)		
Non-Forested Wetlands (hydric soils without forest cover)		
Forested Wetlands (hydric soils with forest cover)		
Non-Wetland Forest (forest without hydric soils)		
Other lands (headquarters, etc.)		
Totals:		

D. LAND ELIGIBILITY

1. Is the land privately owned and used for farming or ranching? ☐ Yes ☐ No
2. Does the land satisfy at least one of the following (**a.**, **b.**, or **c.**)? ☐ Yes ☐ No

Note: If the “Yes Box” is not checked, the land is not eligible for this program.

a. (1) For cropland offers: At least 50% of offered parcel are composed of soils designated by the NRCS as Prime, Unique, or Farmlands of Statewide (or local) Importance.

(2) For ranchland offers: At least 20% of the offered parcel must be composed of soils designated as Prime, Unique, or Important Farmland by the NRCS.

- Complete the table below to allow scoring. Obtain a custom soils report from the local NRCS office. To locate the nearest office, go to: <http://www.co.nrcs.usda.gov/about/areamap.htm>

You can also create your own reports by using our Web Soil Survey tool:

<http://websoilsurvey.nrcs.usda.gov/app/>

Soils Category	Acres	% of Parcel
“Prime, if irrigated” – <u>and irrigated</u>		
“Unique”		
“Prime, if irrigated” – but not irrigated		
“Irrigated” (but not “Prime”)		
“Irrigated” (but with an inadequate supply of water)		
“Local Importance” (if designated)		
“Other agricultural lands” (including forested areas)		
Totals:		

-OR-

- b.** The farm or ranch land contains **historical or archeological resources** that have been: (1) Listed in the National Register of Historic Places, **or** (2) Formally determined to be eligible for listing in the National Register of Historic Places, **or** (3) Listed in the State or Tribal Register of Historic Places.

➤ Provide appropriate documentation to support this, if it is applicable.

-OR-

- c.** The offered acres are agricultural lands that further a State or local policy consistent with the purposes of the program.

3. Do you have proof of a pending offer? ☐ Yes ☐ No

(Attach the proof. At minimum, the documentation must demonstrate intent and the presence of a willing seller and willing buyer. A “pending offer” is a written bid, contract, or option extended to a landowner by an eligible entity to acquire a conservation easement for the purpose of limiting nonagricultural uses of the land. Pending offers must be for acquiring easements in perpetuity. Colorado NRCS will continue to accept “letters of intent”—if they clearly demonstrate a commitment by both Grantor and Grantee to work towards the conveyance of a conservation easement.)

4. Does this parcel have long-term viability for agricultural use? ☐ Yes ☐ No

Describe the operation’s agricultural production, access to markets, access to infrastructure appropriate for supporting agricultural production and other support services?

(Note: The State Conservationist reserves the right to determine a proposal ineligible for FRPP, if long-term agricultural viability is questionable or if circumstances appear to place an FRPP investment at risk.)

5. Does the offered parcel face development pressure? ☐ Yes ☐ No

(Provide a narrative description of the development pressure affecting the property and the region. Include one or more aerial photos or maps—with North arrow and scale—that depict development and “development pressures” within up to twenty (20) miles of the parcel’s boundaries. (This is needed for scoring.) Identify urban infrastructure (water/sewer extensions), municipal boundaries, urban growth boundaries, rural subdivisions, 35-acre subdivisions, non-ag zoning, energy infrastructure development, etc. Refer to criterion SA-2 A) in the Colorado FRPP Scoring System.

6. Is the land already subject to an easement or other deed restriction that prevents its conversion to nonagricultural uses? ☐ Yes ☐ No

7. Has the landowner submitted form “CCC-926, Average Adjusted Gross Income (AGI) Statement” to the USDA Farm Service Agency? ☐ Yes ☐ No

Note: Landowners must certify to having an average annual adjusted gross income (AGI) equal to or less than \$1.0 million for the previous three tax years, or, if more than \$1.0 million, at least 2/3 must be derived from farming, ranching, or forestry operations. Anyone with an interest in the property must sign off on the certification. Landowners should address this immediately to avoid delays in processing this application. NRCS can check the status of this item on an internal web-based application, so we do not need copies of the signed forms.)

8. Has the landowner submitted form “AD-1026, Highly Erodible Land and Wetland Conservation Certification” to the USDA Farm Service Agency? ☐ Yes ☐ No

Note: Compliance with the highly erodible land and wetland conservation provisions is required—on all land persons have an interest in, anywhere in the United States—in order to be eligible to receive USDA payments (including FRPP). If a person is determined to be out of compliance—on any land—all USDA payments are in jeopardy for that crop year and all subsequent crop years the person remains out of compliance.)

9. If a satisfactory conservation plan has not already been developed, is the landowner willing to work with NRCS staff to develop one that meets the requirements for FRPP? ☐ Yes ☐ No